

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DONALD MICHAEL HARDY,

Petitioner,

v.

Case No. 13-cv-13702-DT

KENNETH McKEE,

Respondent.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter is before the court on Petitioner Donald Michael Hardy's Petition for Writ of Habeas Corpus [ Dkt #1]. The case was referred to United States Magistrate Judge Paul J. Komives pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.1(b)(2).

The magistrate judge issued his report on May 6, 2014, recommending that this court deny Petitioner's Petition for Writ of Habeas Corpus, Deny a Certificate of Appealability. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived. In addition, the failure to object to the magistrate judge's report releases the court from its duty to review independently the motion.

*Thomas v. Arn*, 474 U.S. 140, 149 (1985). Therefore,

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the Petitioner's Application for Writ of Habeas Corpus [Dkt#1] is

**DENIED** and a Certificate of Appealability is **DENIED**.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: June 5, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 5, 2014, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522